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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,353	11/26/2003	Takatoshi Tsuchiya	117059	6158
25944	7590	09/29/2005		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER MARTIN, LAURA E	
			ART UNIT 2853	PAPER NUMBER

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

47K

Office Action Summary	Application No. 10/721,353	Applicant(s) TSUCHIYA ET AL.	
	Examiner Laura E. Martin	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/26/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

The restriction requirement set forth in the previous office action is hereby withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Carrese et al.

As per claims 1-4 and 10, Carrese et al. teaches a fluid container system (100) for containing fluid comprising: a first container that contains the fluid (112), the first container being evacuated to a negative gauge pressure when being filled with the fluid (P38, L1+); a second container (reservoir 134) having a capillary medium (capillary member 130) that contains the fluid; a passage between the first and second containers (132) communicating the fluid at a level wherein the passage is wetted with the fluid (fluid wets passage as it travels from the first container to the reservoir); a partition above the passage separating the first and second containers (136); a ventilation port to communicate air between an interior region in the fluid ejection system and ambient

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(260); at least one spill over region (160) to communicate the fluid (162) with the second container; a lid for sealing (218) the first and second containers from the ambient; and a plurality of channels (832; each section can be considered a separate channel) to communicate at least the air between the interior region and the second container (P49, L8+); wherein the channels are disposed on the lid (P41, L1+), the at least one spill over region has sufficient volume (P36, L1+) to contain a quantity of the fluid that migrates out of the second container, and the quantity of fluid corresponds to a volume needed to prevent the fluid from wetting all of the channels (P36, L1+; top channel not completely wet, it is in contact with the ambient).

As per claim 5, Carrese et al. teaches the first and second containers being separated by a partition above the passage (136).

As per claims 6-8, Carrese et al. teaches the fluid container system wherein the first container further comprises a plurality of first chambers (Fig 3, the chamber can be separated by a rib), and the second container further comprises a plurality of second chambers (134 and 160).

As per claim 9, Carrese et al. teaches the fluid container system wherein the first and second containers comprise a concatenated communicating series of first and second containers connected together to communicate the fluid (132).

As per claims 11-14, Carrese et al. teaches a method (P11) for ventilating a fluid container (ventilate through 260) comprising: containing the fluid in the first container (112); containing the fluid in a second container (134) with a capillary medium (130); connecting the first and second containers to enable the fluid to flow therebetween

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(132); connecting the second container to a ventilation port by a plurality of channels to allow at least air to flow therebetween (832); connecting the ventilation port to the ambient (260); connecting the second container to at least one spill over region (160), wherein the spill over region has sufficient capacity to contain a quantity of fluid; sealing the first container from the ambient (with 218); connecting the second container to the ventilation port includes disposing the plurality of channels on a lid that seals the first container (P41, L1+); communicating the fluid from a first spill over region of the at least one spill over region to a second spill over region when a volume of the fluid exceeds a volumetric capacity of the first spill over region (160 is split into two chambers; when reservoir overflows, either chamber can be used in case of a spill over).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura E. Martin whose telephone number is (571) 272-2160. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David M. Gray can be reached on (571) 272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Laura E. Martin

A handwritten signature in black ink, appearing to read 'David M. Gray', with a large, stylized flourish extending to the right.

DAVID M. GRAY
PRIMARY EXAMINER